

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 07-12768  
\_\_\_\_\_

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT April 14, 2008 THOMAS K. KAHN CLERK
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D. C. Docket No. 06-10035-CR-KMM

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN CARLOS VALENZUELA,

Defendant-Appellant.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Florida  
\_\_\_\_\_

**(April 14, 2008)**

Before WILSON, COX and BOWMAN,\* Circuit Judges.

PER CURIAM:

\_\_\_\_\_  
\* Honorable Pasco M. Bowman II, United States Circuit Judge for the Eighth Circuit,  
sitting by designation.

Valenzuela pled guilty to 28 counts of knowingly inducing aliens to enter the United States, in violation of 8 U.S.C. § 1324(a)(1)(A)(iv) and 18 U.S.C. § 2. The applicable Guidelines range was 33 to 41 months' imprisonment, but the district court sentenced Valenzuela to the statutory maximum of 60 months' imprisonment.

On appeal, Valenzuela argues that the sentence was not reasonable in light of the 18 U.S.C. § 3553(a) factors. In addition to his arguments concerning the substantive reasonableness of the sentence, Valenzuela more specifically asserts that, under § 3553(a)(6), the district court created an unwarranted sentencing disparity between himself and his co-defendant, who received a 33-month sentence.

After a careful consideration of the briefs, review of the record on appeal, and having heard oral argument in the matter, we are unable to conclude that the district court misapplied § 3553(a)(6). Nor are we able to conclude that the sentence Valenzuela received was otherwise unreasonable. Accordingly, we affirm.

**AFFIRMED.**